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Attorney Docket No.: C054-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.: 09/300,884 ART UNIT: 3627
APPLICANTS: James H. Wolfston EXAMINER: Andrew J. Fischer
FILING DATE: April 28, 1999
TITLE: Method and Apparatus for Increasing Charitable Donations by Providing
Instantaneous Donor Recognition

PETITION UNDER 37 CFR 1.181 TO WITHDRAW FINALITY OF REJECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Applicant hereby petitions for withdrawal of the finality of the April 3, 2002 final rejection. Applicant requested reconsideration of the finality of the rejection in a response filed July 15, 2002. The Examiner issued an Advisory Action July 25, 2002 maintaining the final rejection. This petition is filed within two months of the Advisory Action in which the Examiner refused to reconsider the finality of the rejection.

In the final rejection, all pending claims were rejected under newly cited prior art, new rejections were made under 35 U.S.C. § 112 for unamended claims, and a new objection was made to the drawings.

In the final rejection, the Examiner stated that applicant's amendment necessitated the new grounds for rejection. In Applicant's February 22 amendment, applicant amended claim 8 to add a period at the end of the claim and amended claims 13-15 to overcome indefiniteness rejections. The remaining claims were not amended, yet all claims were rejected on new prior art.

CERTIFICATE OF FACSIMILE

I hereby certify that this paper or fee is being transmitted via facsimile to the Assistant Commissioner for Patents, this 3rd day of September, 2002.

By: 
Name: Michael O. Scheinberg

Applicant submits that the amendment to correct for indefiniteness did not in reality necessitate the new prior art rejections for any claims, including amended claims 13-15. The Examiner's previous art rejection, which he did not maintain, was based on the claims "as understood by the Examiner." The new, final rejection shows that the Examiner's understanding of the claims did not change after the § 112 amendment. The new rejections under § 112 of unamended claims and the new drawing objection of unamended drawings are also unrelated to applicant's previous amendment.

Applicant petitions that the finality of the April 3, 2002 rejection be withdrawn. Because of the time constraints imposed by a final rejection, applicant has filed a Request for Continued Examination, and, if this petition is granted, requests a refund of that fee.

The Office is hereby authorized to charge the small entity petition fee to Deposit Account 50-1635. A duplicate copy of this authorization follows.

Respectfully submitted,

Date: 9/3/02

By: 

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